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VIA CM/ECF

The Honorable Yvonne Gonzalez Rogers
United States District Judge
Northern District of California

Re: *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, No. 4:22-md-03047 (N.D. Cal.)

Dear Judge Gonzalez Rogers,

As a lawyer who has dedicated her life to addressing systematic oppression and as the mother of adolescent girls (aged 14 and 8), the importance of this litigation weighs heavily upon me—personally. The future of millions of girls and boys—as well as their families—will depend on the just, efficient, and organized resolution of this multidistrict litigation.

Given the importance of the issues, and the unique circumstances presented by the facts of this case, selecting leadership with experience in mass tort litigation, *along with* a demonstrated expertise in technology, will be paramount to ensuring a successful outcome. If appointed as lead counsel in this litigation, not only will my expertise in handling mass, personal injury litigation inure to the benefit of plaintiffs and potential claimants, but the experience of my colleagues—with decades of combined experience in technology litigation *as well as* trying large cases to verdict—will help advance the litigation, as well. With the full support of my firm, I am honored to submit this application for appointment as lead counsel in this case.

1. Professional experience in this type of litigation, including as lead or liaison counsel or member of a steering committee.

As a first-generation American and co-chair of DiCello Levitt's Mass Tort litigation practice, I have spent my career developing a strong, expansive, and recognized skill set for one purpose: to speak for and defend those who cannot speak for themselves. I have routinely served in leadership positions in a number of multidistrict and complex litigations, where I have represented individuals suffering from injuries caused by corporate misconduct. Most recently, I was appointed Co-Lead Counsel in the pending *In re Abbott Laboratories, et al. Preterm Infant Nutrition Products Liability Litigation*, MDL No. 3026, Master No. 22-cv-0071 (N.D. Ill.),¹ where I work with my colleagues to direct litigation strategy in a complex, mass

¹ Appointed by Chief Judge Rebecca R. Pallmeyer, (312) 435-5600.

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torts case involving infant injuries and deaths concerning baby formula. In that case, much like in this case, I fight for families who have been devastated by a defective product designed to place profits over the lives and well-being of children. The experience that I have gained in that case—from careful review of complex medical records and histories, negotiating discovery protocols (governing ESI, clawbacks, and protective orders), co-leading litigation strategy, and selecting bellwether cases which will *actually advance* the litigation—readily informs how I would efficiently lead this case.

I also serve on the Plaintiffs’ Executive Committee in *In re Paraquat Products Liability Litigation*, No. 21-md-03004 (S.D. Ill.),² where I assist with litigation on behalf of farmers and applicators exposed to Paraquat, which has been shown to cause Parkinson’s Disease. I am also on the Plaintiffs’ Steering Committee in *In re Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation*, No. 17-md-02775 (D. Md.),³ another mass tort involving injuries caused by defective products. But complex cases do not always involve the JPML, and I have had the privilege of representing more than 50 cities and counties in *In re National Prescription Opiate Litigation*, No. 17-md-02804 (N.D. Ohio),⁴ and *In re McKinsey & Company, Inc. National Prescription Opiate Litigation*, No. (N.D. Cal.).⁵ I also have experience litigating and counseling clients on cyberbullying and the physical and mental harm that it can cause—including representing clients in instances of attempted suicide.

Although I have my firm’s full support and backing, throughout my career, I have witnessed—and experienced—barriers to leading complex cases (particularly for women of color). Shortly after I was appointed the first Black woman to co-lead a multidistrict case, I co-founded Shades of Mass—an organization dedicated to enhancing the presence of people of color to leadership positions in multidistrict and consolidated litigations.⁶ Through Shades of Mass, I hope to help advance the skills and careers of attorneys of color who have been traditionally “shut out” of the leadership process.

2. Access to resources to prosecute the litigation in a timely manner.

I submit this application with my firm’s full support and encouragement. Perhaps what is most unique about my application—and what renders me uniquely qualified to lead this litigation—is that my firm has honed practice groups that seem tailor-made for this litigation.

Aside from our robust mass tort practice, our firm’s expertise also includes its Privacy, Technology, and Cybersecurity practice group,⁷ created and led by Amy Keller, who serves as lead counsel in cybersecurity and privacy cases against industry giants like Equifax, Marriott, and Blackbaud. Supported by David Straite, who is presently leading privacy cases before this Court against Google and Facebook, the team has been recognized by *Law360* as “Practice Group of the Year” for the past two years, as well as by *The National Law Journal* in 2020.

² Appointed by Chief Judge Nancy J. Rosenstengel, (618) 482-9172.

³ Appointed by then-Chief Judge Catherine C. Blake, (410) 962-3220.

⁴ Overseen by Judge Dan Aaron Polster, (216) 357-7210.

⁵ Overseen by Judge Charles R. Breyer, (415) 522-2062.

⁶ See Shades of Mass, <https://www.shadesofmass.org/>.

⁷ More information available at <https://dicellolevitt.com/practice/privacy-technology-and-cybersecurity/>.

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With a deep bench of talent, the team also includes Sharon Cruz, a former Assistant Attorney General for the State of Illinois, who specialized in cybercrimes and the exploitative effect of social media platforms concerning human trafficking, as well as a full-time ESI coordinator, and an in-house technologist, who is able to review code, algorithms, and consult on discovery responses, providing real-time analysis to the team.

What also sets our firm apart is that we regularly try cases to verdict—most recently achieving a \$102.6 million verdict in a defective products class action before this Court.⁸ Our trial team is supported by an in-house focus group and mock trial program,⁹ led by firm partners Robert F. DiCello and Christopher Stombaugh, to develop cases for trial from the outset, including focusing discovery on evidence that juries will *actually* need as part of their deliberative process.

Recognizing the significant overlap between mass tort and technology issues presented in this litigation, as well as the high likelihood that a bellwether approach will be needed to advance the litigation, I will have the full support of my firm's various practice groups, as well as the focus group and mock trial program.

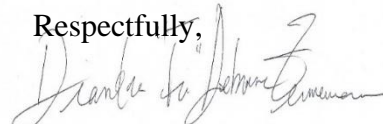
Beyond the specific resources needed for this case, my firm is over 60 attorneys strong, with offices across the United States, and has received many accolades, including top ratings and reviews from *Chambers and Partners*, *Benchmark Litigation*, *Lawdragon*, and Public Justice's "Trial Lawyer of the Year" award for 2021. Assembled from some of the country's top complex litigators, DiCello Levitt has extensive multidistrict litigation and trial experience, achieving recoveries valued over \$3 billion in the past five years alone, and more than \$18 billion in the aggregate. There will be no issues obtaining necessary resources or commitment to litigate this case.

3. Committing to time-consuming litigation and working cooperatively.

While I have my firm's full support, and—consistent with ensuring that attorneys have opportunities to develop leadership skills—will also provide opportunities to associates to help me litigate the case, I will be directly involved in the litigation from day one. I am also happy to work with the other firms who have filed cases in this multidistrict litigation, and my firm has a proven track record of working cooperatively—and successfully—those other firms and applicants in cases against General Motors, Meta, Google, Marriott, and Navistar (among others). I am ready, willing, and able to join other strong counsel to lead this litigation to a justice-focused and culture-changing resolution for millions of youths. We have the resources, the bandwidth, the experience, and—most importantly—the passion to accomplish these goals.

Thank you for your consideration.

Respectfully,



Diandra "Fu" Debrosse Zimmermann

⁸ *Siqueiros v. General Motors LLC*, No. 16-cv-07244 (N.D. Cal.). Our firm serves as Class Counsel with Beasley Allen Crow Methvin Portis & Miles PC, and Andrus Anderson LLP.

⁹ More information available at <https://dicellolevitt.com/about-dicello-levitt/>.